

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**
(Special Original Jurisdiction)

**PRESENT
THE HON'BLE SRI JUSTICE A. GOPAL REDDY**

WRIT PETITION No.22688 of 1995

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Date: 19.12.2006

Between:

K. Ramalingeswar Rao

... PETITIONER

AND

Managing Director, Andhra Pradesh
Vikalangula Co-operative Corporation,
Venkataramana Apartments, A.C. Guards,
Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No.22688 of 1995

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ORDER:

This writ petition is filed for issuance of writ of *mandamus* by holding the action of the first respondent in not considering the petitioner for appointment to the post of Counseling-cum-Rehabilitation Officer and considering the second respondent, who is his junior, to the said post, as illegal, arbitrary, discriminatory and violative of Articles 14,16 and 21 of the Constitution of India.

A counter affidavit has been filed by the first respondent stating that the second respondent was appointed in Andhra Pradesh Vikalangula Co-operative Corporation (hereinafter referred to as 'the Corporation') as a Junior Assistant, and subsequently he was appointed as C.R.O., in view of Circular No.C/25/Ref/86/D-4927, dated 17.11.1986, issued by the Corporation, and also the recommendations of the Selection Committee based upon the service rendered by him and qualifications held by him while he was in service of the Corporation. As there was a necessity to fill up the posts of C.R.Os appointed by the Government and Board of Directors, the Corporation has accordingly issued a circular to the officers concerned in the Districts to sponsor the persons working in the Corporation, with three years of service, along with requisite qualifications i.e., with graduation. Accordingly, the Corporation conducted an interview, selected and appointed the second respondent as C.R.O., in the Corporation. It is also stated that the petitioner, who was appointed in the year 1985, was neither senior to any employee appointed as C.R.O., nor called for interview for appointment of the said post. It is further stated that the petitioner has

applied to the Corporation to promote him as Senior Assistant, but the Corporation has not considered the claim and directed him to forward his application through proper channel.

No reply has been filed by the petitioner denying the said allegations.

The learned counsel appearing for the first respondent produced a judgment passed by a Division Bench of this Court in W.A.No.671 of 1999 and batch, dated 15.02.2006, wherein it was stated that the Commissioner, Disabled Welfare & State Commissioner under Persons with Disabilities Act, 1955 has already issued proceedings and thereby appointed an Arbitrator, and that the said Arbitrator has to go through all aspects irrespective of the fact of any action taken at any level including the Government and has to resolve any dispute that may arise between the Corporation and its members, employees, or debtors or creditors or share holders so that the disputes can be settled sooner at lesser cost.

In view of the aforesaid judgment of the Division Bench of this Court, the petitioner can appear before the Arbitrator so appointed and raise his claim.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

A. Gopal Reddy, J

Date 19.12.2006

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